

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

IN RE: JUUL LABS, INC., MARKETING SALES
PRACTICE AND PRODUCTS LIABILITY
LITIGATION

3:19-md-02913 (WHO)

Hon. William H. Orrick

*This Document Relates to All Plaintiffs Identified in
Exhibit A*

**JLI'S NOTICE OF MOTION TO DISMISS WITHOUT PREJUDICE FOR FAILURE TO
SUBMIT DISCOVERY REQUIRED BY CASE MANAGEMENT ORDER NO. 8**

PLEASE TAKE NOTICE that on August 19, 2022, or as soon thereafter as this matter may be heard, in Courtroom 2 of this Court, located at 450 Golden Gate Avenue, 17th Floor, San Francisco, California, Defendant Juul Labs, Inc. ("JLI") will and hereby does move for the Court to dismiss without prejudice plaintiffs identified in Exhibit A to JLI's Motion for failure to submit discovery required by Case Management Order No. 8. The Motion is based on this Notice of Motion and the following Motion to Dismiss.

Dated: June 27, 2022

/s/ Pierce N. Giboney

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Attorneys for Defendant Juul Labs, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2022, I electronically served the foregoing Motion on all counsel of record in this action using the CM/ECF system.

/s/ Pierce N. Giboney

Pierce N. Giboney

1 **UNITED STATES DISTRICT COURT**
2 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

3
4 IN RE: JUUL LABS, INC., MARKETING SALES
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7 *This Document Relates to All Plaintiffs Identified in*
8 *Exhibit A*

9
10 **JLI'S MOTION TO DISMISS WITHOUT PREJUDICE FOR FAILURE TO SUBMIT**
11 **DISCOVERY REQUIRED BY CASE MANAGEMENT ORDER NO. 8**

12 Case Management Order ("CMO") No. 8 requires that every plaintiff asserting a personal
13 injury or wrongful death claim in a case entered on the MDL 2913 docket submit a substantially
14 complete Plaintiff Fact Sheet ("PFS") within 60 days after the complaint has been entered. (CMO
15 No. 8 § 5 (Docket No. 406)).

16 Pursuant to Sections 5 and 12 of CMO No. 8, on May 26, 2022, JLI served counsel of record
17 for the plaintiffs identified in Exhibit A with a Notice of Overdue Discovery (the "Notice"),
18 identifying their overdue discovery, and notifying them that their cases may be subject to dismissal
19 for failure to comply with the Court's discovery orders. (CMO No. 8 ¶ 12; Affidavit of Pierce
20 Giboney ("Aff.") ¶¶ 2–4.)

21 The plaintiffs identified in the Notice were required to submit a completed PFS on or before
22 June 25, 2022, or risk having their claims dismissed. (CMO No. 8 ¶ 12). The plaintiffs identified in
23 Exhibit A have not responded to the Notice and have not subsequently produced a Plaintiff Fact
24 Sheet. (Aff. ¶¶ 5–6).

25 Pursuant to CMO No. 8, JLI hereby moves to dismiss, without prejudice, the claims of the
26 plaintiffs identified in Exhibit A who have not submitted a completed PFS. Pursuant to CMO No. 8,
27 the plaintiffs subject to the foregoing Motion must file a response no later than **July 11, 2022**, either

(a) certifying that the plaintiffs have submitted a completed PFS or (b) opposing the Motion for other reasons.

Dated: June 27, 2022

/s/ Pierce N. Giboney

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/s/ Pierce N. Giboney

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